

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 2-5, 7, 9, 11, 13, 15 and 20 are currently pending. Claim 20 has been added. Added claims 16-19 were withdrawn by the Examiner as constructively directed to a non-elected invention. Claims 2 and 4 are independent. Claims 2, 4 and 13 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for noting that claim 4 recites allowable subject matter. Applicants have chosen not to re-write claim 4 in independent form at this time.

III. REJECTIONS UNDER 35 U.S.C. §112

Claim 13 has been amended to overcome the rejection of that claim. Applicants respectfully request withdrawal of the rejection of claim 13 under §112.

IV. REJECTIONS UNDER 35 U.S.C. §102

Claims 2, 3, 5, 7, 9, 11 and 15 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,868,164 to Ito et al. (herein after merely “Ito”).

Applicants respectfully traverse this rejection.

Independent claim 2 is representative and recites, *inter alia*:

“a belt-shaped strap portion in which the middle part of said cord is inserted into a cylindrical belt and end members fixing said cord and said cylindrical belt are provided at both ends of the cylindrical belt;

...

wherein the length of the cylindrical belt is shorter than the length of the cord connecting the left and right driver units,

...

wherein each end member includes separate upper and lower members that are connected only to the cord and the cylindrical belt.” (Emphases added).

As understood by the Applicants, Ito describes, in relevant part, a headphone having a band covered by a tube that connects left and right housings that house drivers. The assembly prevents the end of the tube that covers a band of a headphone apparatus from being exposed. The left and right housings each have a through-hole into which the tube and band are inserted. The headphone has fixing members that are inserted into ends of the tube that have been inserted into the through-holes and press the ends of the band against the through-holes. (Abstract).

That is, in Ito, the ends of the tube and band are (1) prevented from being exposed, and (2) are attached to the left and right housings.

In contrast, claim 2 recites, “the length of the cylindrical belt is shorter than the length of the cord connecting the left and right driver units.” That is, in an aspect of the present invention, a cord is passed through a belt-shaped portion to connect a left side driver unit to a right side

driver unit. First, the length of the cylindrical belt is shorter than the length of the cord between the left and right drivers. Therefore, a portion of the cord extends beyond the cylindrical belt and the cord is exposed, that is uncovered by the belt, between the drivers. Publ. App. par. [0039].

Whereas, in Ito the tube covers the cord so that the cord is prevented from being exposed between the left and right housings. Ito, col. 9, line 60 to col. 10, line 6 and FIGS. 9, 10.

Second, claim 1 recites, “each end member includes separate upper and lower members that are connected only to the cord and the cylindrical belt.” In an aspect of the present invention, the end members fix the cord to the cylindrical belt only. The end members are not attached to anything else. Whereas, in Ito the band connectors (12, for example) are attached to more than just the cord and tube. Ito, col. 9, line 60 to col. 10, line 6 and FIGS. 9, 10.

Claim 2 is believed patentable over Ito because that reference does not disclose each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 2, independent claim 4 is also believed to be patentable.

V. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 2, 3, 5, 7, 9, 11, 13, 17 and 15 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Japanese Patent Publication No. JP 09247782 to Yoshio in view of Official Notice.

First, Yoshio does not add the elements missing from Ito as discussed herein above.

Second, as understood by Applicants Yoshio describes a headphone that has a headband.

In contrast, claim 2 recites, “Headphones having no headband in which left and right driver units are connected by a cord passed behind a neck.”

Moreover, Yoshio does not teach, suggest or disclose that receivers (2a, 2b) are connected either by a band (5), an elastic wire (6), or a flexible tube (7) having the features recited in claim 2 as discussed herein above. Yoshio, Abstract and FIG. 1.

Claim 2 is believed patentable over Yoshio because that reference does not teach or suggest the elements recited in the claim..

VI. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 2-5, 7, 9, 11, 13, 15 and 20 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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